

REMARKS

Applicant has carefully studied the final Examiner's Office Action mailed December 13, 2005. The amendments appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Office Action by headings that correspond to the headings employed by the Office, to ensure full response on the merits to each finding of the Office.

*Status of Claims*

Claims 21-29 are currently pending. Claims 1-20 were pending and under review in the previous Office Action.

Claims 2 and 7-10 were objected to as being dependent upon rejected base claims, but otherwise indicated as allowable if rewritten in independent form incorporating all limitations from the base claim and any intervening claims. Claim 2 was dependent upon claim 1. Rather than rewrite claim 2, new claim 21 has been added to include the limitations of previously pending claims 1 and 2, thus putting the subject matter encompassed by previously pending claim 2 in condition for allowance. Claim 2 has therefore been canceled in favor of claim 21 as added. Claims 3-6 were dependent upon previously pending claim 1. These claims have been rewritten as claims 22-25. Claims 22-25 are allowable as a matter of law as incorporating the limitations of an allowable base claim, the base claim being claim 21.

The Office has also indicated that claims 7-10 are allowable if rewritten in independent form incorporating all of the limitations of the base claim and any intervening claims. Claim 7 was dependent upon claim 6, which, in turn, was dependent upon claim 1. Rather than rewrite claim 7, new claim 26 has been added. Claim 26 incorporates all of the limitations of claims 1, 6 and 7 and therefore is believed to be allowable. Claim 27 is dependent upon claim 26 and, other than the dependency, is identical to previously pending claim 8. Claim 9, like claim 7, has been rewritten and

presented as a new claim, claim 28, incorporating all of the limitations of its base claim, claim 1. Claim 29 is dependent upon claim 28 and, other than the dependency, is identical to previously pending claim 10. No new matter has been introduced by the amendments to the claims. Additionally, no new limitations have been added in rewriting the claims to include the subject matter indicated as allowable.

Claims 1-20 are herein canceled. Applicant reserves the right to pursue the subject matter of the canceled claims in one or more continuations.

#### *Claim Objections*

Claim 11 has been objected to because of the following informalities: The term "ad" in line 10 of noted claim. The Examiner assumes Applicant meant "and" instead of "ad." The objection to claim 11 is rendered moot by applicant's cancellation of the claim.

#### *Claim Rejections – 35 USC § 112*

Claim 18 has been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claim 18 is rendered moot by applicant's cancellation of the claim.

#### *Claim Rejections – 35 USC § 103*

Claims 1, 3-6, 11-17, and 20 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the combination of Measuring Shape and Deformation of Small Objects using Digital Holography to Seebacher et al ("Seebacher") and Digital Holography: Methods and Applications to Kreis et al ("Kreis").

Claim 18 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the combination of Seebacher and Kreis as applied to claim 11 above, and further in view of U.S. Patent 6,262,818 to Cuche et al ("Cuche")

Claim 19 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the combination of Seebacher and Kreis as applied to claim 11, and further in view of U.S. Patent 6,512,385 to Pfaff et al ("Pfaff").

The rejection of claims 1, 3-6, and 11-20 is rendered moot by their cancellation in the instant response. Applicant reserves the right to pursue the subject matter of these claims at a later date in a continuation or continuation-in-part application filed under 37 CFR §1.53(b).

*Allowable Subject Matter*

The Office has indicated that claims 2 and 7-10 are allowable over the prior art. In particular, the Examiner has indicated that claims 2 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for his attention to detail and suggestions.

*Conclusion*

This patent application is now believed to be in condition for allowance. Entry of a Notice of Allowance is respectfully requested. If an Examiner's Amendment is needed to place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Dated: Monday, March 13, 2006

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**CERTIFICATE OF MAILING**  
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2623, Attn: Robert Tarcu, (571) 273-8300, on March 13, 2006.

Dated: March 13, 2006

April Turley  
April Turley